

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUN - 4 2025
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
v.) No.
)
WALTER FIDELIS,)
)
 Defendant.)

4:25-cr-00295 SEP-PLC

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Matthew T. Drake, Acting United States Attorney for the Eastern District of Missouri, and Nino Przulj, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, *et seq.*

The Bail Reform Act requires that before conducting a requested detention hearing, the court is to determine that the case is eligible for said hearing under section 3142(f). Section 3142(f)(1) authorizes a detention hearing in a case involving (1) a crime of violence; (2) an offense carrying a penalty of life imprisonment or death; (3) a federal drug offense carrying a penalty of ten years or more; (4) a felony following convictions for two or more of the three foregoing offenses; or (5) any felony that is not otherwise a crime of violence that involves a minor victim, or that involves the possession or use of a firearm or destructive device or any other dangerous weapon or involves a failure to register as a sex offender. 18 U.S.C. §3142(f)(1). In this case,

Defendant is charged with illegal reentry under Title 8, United States Code, Section 1326(a), which are not one of the crimes enumerated under § 3142(f)(1).

However, the court may hold a hearing on its own motion or the government's motion in a case that involves a serious risk of flight or a serious risk that the person will obstruct or attempt to obstruct justice; threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror. 18 U.S.C. §3142(f)(2).

On May 1, 2025, investigators with US Immigrations and Customs Enforcement (ICE), including St. Louis Enforcement and Removal Operations ("ERO"), arrested Walter Fidelis, a Brazilian national, and took him into custody. Two days earlier, the Defendant had been arrested by the St. Charles City Police Department in St. Charles County for possession of a controlled substance and traffic violations. Fidelis is currently in ERO custody at an ERO detention facility pending removal.

Fidelis was previously removed from the United States on September 28, 2004, per a removal order after being encountered by the US Border Patrol near Amado, Arizona. Fidelis admitted to ICE that he illegally reentered the United States throughout Arizona in 2017.

There is no record of Fidelis re-entering the United States after having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission to the United States.

There is a serious risk that the defendant will flee should he be released. Defendant was removed from the United States in September 2004 and reentered in 2017. He has shown that he is determined to disregard the laws of the United States generally, including a prior order of removal, by returning without permission. Such an unlawful reentry after being removed raises the likelihood and risk that Defendant will flee this district if given the opportunity and that he will

not willingly submit himself to prosecution. Defendant has established the fact that he does not want to remain or go back to Brazil and the risk that he tries to flee this District on bond is high.

The Government is unaware if Defendant has known ties to this District by way of family or employment. If granted a bond, there is nothing that will deter Defendant from fleeing the district and fleeing prosecution, while there are obvious reasons that would incentivize him to do so.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that this Court find that this case involves a serious risk that Defendant will flee, and that the United States is entitled to a detention hearing in this matter pursuant to Title 18, United States Code, Section 3142(f)(2)(A). Furthermore, the United States requests that this Court find that there are no conditions or combination of conditions that will reasonably assure defendant's appearance as required, and that Defendant be ordered detained prior to trial.

Respectfully submitted,

MATTHEW T. DRAKE
ACTING UNITED STATES ATTORNEY

/s/ Nino Przulj
NINO PRZULJ, #68334MO
ASSISTANT UNITED STATES ATTORNEY
Thomas F. Eagleton Courthouse
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102
(314) 539-2200